

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MALEEHA AHMAD, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:17-cv-2455 CDP
)	
CITY OF ST. LOUIS, MISSOURI,)	
)	
Defendant.)	

PROPOSED FORM OF PRELIMINARY INJUNCTION

1. Defendant¹ is enjoined from enforcing or threatening to enforce St. Louis Code of Ords. § 15.52.010.

2. Unless or until Defendant develops a permitting scheme that safeguards speech, assembly, and due process rights, Defendant is enjoined from enforcing or threatening to enforce St. Louis Code of Ords. § 17.16.275(A) and (E) when the person(s) against whom it would be enforced or threatened to be enforced is (are) engaged in or observing expressive activity.

3. Defendant is enjoined from enforcing or threatening to enforce the Missouri unlawful assembly or refusal-to-disperse statutes, Mo. Rev. Stat. §§ 574.040 and 574.060, unless the Police Commissioner or his designee determines there is an ongoing assembly of six or more persons knowingly agreeing to violate a criminal law with force or violence.

4. Dispersal orders shall specify the “scene” from which dispersal is ordered under Mo. Rev. Stat. § 574.060; shall be audible to the assembled people within the “scene”; shall tell

¹ “Defendant” includes the City of Louis and its officers, agents, servants, employees, and attorneys, as well as all persons who are in active concert or participation with them.

the assembled people how much time they have to heed the order; shall announce a means of safe egress that is actually available; and shall not be enforced as continuing for an extended length of time that permits people not part of the assembly to whom the order was addressed to come or go from the “scene.”

5. Defendant is enjoined from deploying any chemical agent² against any person or group not currently engaged in the use of force or violence, no matter the method of deployment of that chemical agent, except to the extent necessary to effectuate a lawful arrest where an individual is noncompliant; and, under the latter circumstances, Defendant will provide the individual with an audible, clear, and unambiguous warning that, absent compliance, Defendant will deploy a chemical agent, and sufficient opportunity to heed the warning.

6. Defendant is enjoined from deploying or threatening to deploy any chemical agent for a punitive or retaliatory purpose, no matter the method of deployment of that chemical agent.

7. Defendant shall not consider the use of a recording device itself during a police encounter to be a threat to officer safety or a basis to deploy any chemical agent against that person or to require a person to refrain from recording.

8. Bond is set at \$100.00.

² “Chemical agent” includes mace/oleoresin capsicum spray or mist/pepper spray/pepper gas, tear gas, skunk, inert smoke, pepper pellets, xylol bromide, and similar substances.

Respectfully submitted,

/s/ Anthony E. Rothert
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Certificate of Service

A copy of the foregoing filed via CM/ECF and thereby made available to all counsel of record on October 24, 2017.

/s/ Anthony E. Rothert